



**Liquor and Tobacco Advisory Board Minutes
Tuesday, December 15, 2020
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

LTAB Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff:

Lafakeria Vaughn – Assistant City Attorney
Brooke Benoit- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Ebron Tyson – Videographer
Jeremy Carter - Traffic Engineer

Others:

Kylie Bunke- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the LTAB, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on December 11, 2020. Since this is a public hearing with an unknown number of attendees, which would be more than 10 people, an in-person meeting at City Hall is not feasible at this time.

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the Covid-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: Written public comments being submitted by 5:00 pm, on December 15, 2020 to Attorney Vaughn's email, or the Permit Center located on the first floor at City hall or coming to City hall to listen to the meeting and present any comments in Council Chambers. However, as of Friday, November 20, 2020, City Hall was closed to the public so all comments had to be submitted in writing.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, January 4, 2021 at 5:30 PM in City Council

Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, January 4, 2021. If the item is laid over at the LTAB meeting, the next meeting is Wednesday, January 20, 2021. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:44 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the November 17, 2020 meeting minutes. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

20-LTAB-082

Applicant
Ward 6

1625 Sandy Hollow Road

Kelly Quinby / Spinning Slots Inc. dba Spinning Slots

Modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District

Laid over from August, September and October

The applicant, Kelly Quinby, was present, along with her attorney, Mark Rouleau. The subject property is located 350 feet southwest of the 11th Street and Sandy Hollow Road intersection. The parcel is surrounded by residential and commercial uses. Attorney Rouleau reviewed his PowerPoint presentation with the Board. Attorney Rouleau stated Spinning Slots is the only location that is locally owned, currently run by a local owner, Kelly Quinby. Attorney Rouleau explained that it is important to our community to have locally owned businesses, in order to contribute to the community. COVID-19 had a huge impact in the economy, meaning 35% of small local business owners will go out of business but he believes the percentage will be much higher. It is very important for the community as well as the taxpayers. Attorney Rouleau stated the government has reported that on average cities will lose at least 5.5% of their tax revenue. The hardest hit cities will lose up to 15% of revenue and this is something we have to take into consideration. The estimated general fund loss of revenue is 12% for the state. Attorney Rouleau stated for the tax revenue, Spinning Slots is the fourth highest location of gaming tax revenue in Rockford and having paid close to four-thousand dollars in metro sales tax. This is a small operation which has been able to generate this much revenue for the City of Rockford. Rockford needs this small business which can contribute revenue to help balance the budget.

Attorney Rouleau stated they only had seven police calls which none of them were for a significant nature. Kelly Quinby is the sole owner of Spinning Slots and has a lease with several years remaining. She also has a community development loan she needs to pay off from a previous location. She has employees who she wants to continue to employ. Kelly Quinby has the support of over 300 members of the community (signed petition on file). Attorney Rouleau stated Kelly Quinby has a contract with these gaming terminals. The City of Rockford is seeking to regulate the profits and the profit terms of the use agreement between Spinning Slots and its license terminal operator in an attempt to eliminate video gaming cafés. Attorney Rouleau is asking for the Board to grant Spinning Slots a WB liquor license.

Tom Fabiano asked if they obtained a new grill, would they make the 50-50 requirement. Attorney Rouleau responded that he hopes that Kelly Quinby will meet that requirement. She has submitted prints showing she would be putting in a new grill and would expand her operation. Mr. Fabiano asked Assistant City Attorney Lafakeria Vaughn if their business plan includes this grill and whether the City checks on other businesses subject to the 50/50 requirement. Attorney Vaughn responded they do check up on any establishment that is classified as a WB50 or L50 liquor license holder. If the plan for Spinning Slots is to put in a grill, or additional appliances and meet the 50/50 requirement, then they could remain as a WB50 license holder. However, they are requesting to change their classification to WB. Mr. Fabiano asked when the City checks on the properties will they give them some type of consideration because of

COVID. Attorney Vaughn responded that due to COVID they have not checked any revenues because a lot of businesses have been closed, so no quarterly reports have been ran. Jennifer Smith asked Attorney Vaughn if the Board had the authority under the ordinance to approve the request. Attorney Vaughn responded that is correct. Under the current City of Rockford liquor ordinance, no new WB licenses shall be issued.

Kim Johnsen asked Attorney Rouleau to clarify the ILCC appeal, as indicated in the Powerpoint presentation. Attorney Rouleau explained that they appealed the City of Rockford's non-renewal of Spinning Slots liquor license, and it is currently pending before the State. Under the state law, they are allowed to continue operating while the appeal is pending. Ms. Johnsen also asked if Spinning Slots is still operating under the 10 people restriction. Attorney Rouleau stated they are still following the same restrictions by the Governor. Under the Region One restrictions, they are currently closed. Attorney Rouleau also explained the authority of home rule and non-home rule municipalities.

Maurice Redd asked Attorney Rouleau if his arguments would have been the same if the application was presented in August or if we weren't in this COVID situation. Mr. Redd further stated that some of these things are beyond the jurisdiction or authority of this Board. Attorney Rouleau responded 'yes,' in regards to the legality of the current ordinance. COVID and the state regulations have also made the 50-50 requirement more difficult to meet for businesses.

Ms. Johnsen stated while she understands Attorney Rouleau's arguments, that is something City staff and City Council would have to look at. The applicant did apply for the liquor license in 2018, after the amendments to the liquor ordinance regarding WB licenses so she cannot support this request. Craig Sockwell agreed with Ms. Johnsen's comments. Mr. Sockwell also stated that when the original application was before the Board, it was reiterated numerous times to the applicant about the 50-50 requirement. He recalls it being made perfectly clear to the applicant. The goal of the ordinance was to push sales, and sales included alcohol, food and general merchandise.

Dan Roszkowski and Jennifer Spencer agreed with the other Board members. Mr. Roszkowski also stated that City Council should look at the arguments made by the Applicant.

Staff Recommendation is for Denial. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Kim Johnsen to **DENY** the Modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge
The sale of tobacco products in conjunction with a hookah lounge in
a C-3, General Commercial Zoning District
Laid over from September and October

Prior to the meeting, City staff requested a layover.

A **MOTION** was made by Craig Sockwell to **LAYOVER** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

20-LTAB-093

Applicant
Ward 11

1909 11th Street

Kush K. Patel / HKS92 Corporation dba BP Food & Spirits

The sale of packaged liquor in conjunction with a gas station and convenience store and **the sale of tobacco products** in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District

The Applicant, Kush Patel, was present. The subject property is located on the southwest corner of 18th Avenue and 11th Street. The parcel is surrounded by commercial, industrial and residential uses. Mr. Patel is requesting the sale of packaged liquor and tobacco products in conjunction with a gas station and convenience store located at 1909 11th Street. The subject property has been selling liquor and tobacco products since 1992. The current owner wants to retire and Mr. Patel is wanting to take over the business.

Attorney Lafakeria Vaughn inquired whether the applicant reviewed the staff recommendation and agreed with the conditions. Mr. Patel stated he did and agrees, but had one question regarding condition number 10. Attorney Vaughn read condition number 10 stating "Removal of the non-conforming free-standing sign and submittal of a sign permit for new landmark style sign". Mr. Patel asked what that condition meant, if it is required in order to obtain the liquor license, and why the previous owner got approved. Dan Roszkowski responded that it was before the new ordinance came into effect. The new ordinance now requires a landmark style sign, which means they will have to take down the sign they currently have now. Scott Capovilla also added that the previous owner was supposed to comply with the same condition by July 2019 and it was never completed. This was indicated in the staff recommendation packet. Kim Johnsen stated it would be helpful to tell Mr. Patel that this is something they require for any applicant that is applying for a new liquor or tobacco license when a sign is non-conforming. Mr. Patel stated he understood and agreed.

Staff Recommendation is for Approval with fourteen (14) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store and the sale of tobacco products in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 20% of window area.
3. The windows shall not be covered with bars or other devices that block the windows.
4. Submittal of a revised interior floor plan showing the location for alcohol and tobacco sales.
5. The sale of alcohol and tobacco products shall be limited to the revised interior floor plan labeled Exhibit F.
6. The hours of operation with packaged liquor sales shall be limited to Monday through Saturday 6:00 a.m. to 11:00 p.m. and Sunday 9:00 a.m. to 10:00 p.m. as indicated in business plan labeled Exhibit G and per the liquor code.
7. There shall be no single serving sales of beer or wine in volumes of 16 oz. or less.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
9. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
10. Removal of the non-conforming free-standing sign and submittal of a sign permit for new landmark style sign.
11. Submittal of a landscaping plan with proposed landscape units with species and sizes for staff's review and approval.

12. Any pending general ordinance case(s) must be resolved prior to issuance of the licenses.
13. All outstanding general ordinance fines must be paid prior to issuance of the licenses.
14. All conditions must be met prior to the establishment of the use.

20-LTAB-094

Applicant
Ward 5

4628 South Main Street

Love's Travel Stops & Country Stores, Inc. dba Love's Travel Stop #775
The sale of packaged beer and wine in conjunction with a gasoline station and convenience store with video gaming terminals and **the sale of tobacco products** conjunction with a gasoline station and convenience store in a C-3, General Commercial Zoning District

The Applicant failed to appear for the meeting.

A **MOTION** was made by Kim Johnsen to **LAYOVER** the sale of packaged beer and wine in conjunction with a gasoline station and convenience store with video gaming terminals and the sale of tobacco products conjunction with a gasoline station and convenience store in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

20-LTAB-095

Applicant
Ward 3

205 West State Street

Billy Ni & David Boge / Downtown Rockford Restaurant, LLC dba District Bar & Grill
The sale of liquor by the drink and the sale of packaged liquor in conjunction with a restaurant, bar, video gaming terminals and an outdoor seating area in a C-4, Urban Mixed Use Zoning District

The applicants, Billy Ni and David Boge were present. The subject property is located 50 feet west of the Wyman Street and West State Street intersection. Mr. Boge stated they submitted an application to take over the LLC which owns District bar and grill located in downtown Rockford. They are looking to continue the operations there.

Attorney Lafakeria Vaughn stated she previously spoke with David Boge about the Staff recommendation. Attorney Vaughn stated she knows they had a question regarding condition number 5. Attorney Vaughn asked if he would like to elaborate on condition number 5. Mr. Boge stated he was reading the condition incorrectly and he is sure it has to do with packaged liquor. Attorney Vaughn confirmed that he was correct. Mr. Boge also stated they do agree with the conditions.

Kim Johnsen asked Mr. Boge about his association with the District Bar and Grill and why he is interested in taking it over. Mr. Boge responded that he helped open the District in May of 2012, and he loves downtown Rockford along with the restaurant itself. The current owners are completely burned out and they are trying to pick up where they left off. Mr. Ni stated he has been the regional manager since December 2016 and he is very familiar with the bar along with working in conjunction with the BMO Center and the Coronado Theater on events.

Ms. Johnsen asked if they see a lot of the residents from the new apartments at the Bar and Grill. Mr. Ni responded that they get a significant amount of customers because it is directly across the street. They are also starting to get folks from the new Talcott residences as well.

Maurice Redd asked for clarification on the denial of the packaged liquor request. Scott Capovilla responded that although the applicant requested full packaged liquor, City Council previously approved only packaged beer and wine. So staff recommended denial of packaged liquor but approval of packaged beer and wine.

Staff Recommendation is for Approval with fifteen (15) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink with a restaurant, bar, video gaming terminals and an outdoor seating area, **DENY** for the sale of packaged liquor in conjunction with a restaurant, bar, video gaming terminals and an outdoor seating area and **APPROVE** the sale of packaged beer and wine in conjunction with a restaurant, bar, video gaming terminals and an outdoor seating area in a C-4, Urban Mixed Use Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink shall be limited to the interior floor plan approved by Staff, Exhibit E.
4. Packaged liquor sales are limited to beer and wine.
5. No single servings of packaged beer or wine of 16 ounces or less.
6. Packaged sale of beer and wine is limited from 11:00 AM to Midnight.
7. No advertising in the windows for the packaged sales of beer and wine
8. The hours of operation will be limited to 8:00 A.M. to 2:00 A.M., Monday through Sunday.
9. Window display signage is limited to 20% of window area.
10. That the windows shall not be covered with bars or other devices that block the windows.
11. The restaurant and bar shall not have a cover charge, except for events with live entertainment.
12. The restaurant and bar shall have no more than six (6) video gaming terminals.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license
15. All conditions must be met prior to establishment of use.

20-LTAB-096

Applicant
Ward 12

908 West Riverside Boulevard

Billy Ni & David Boge / Northtown Restaurant, LLC dba Stockyard
Rock and Burger Bar

The sale of liquor by the drink in conjunction with a bar and grill and video gaming terminals in a C-2, Limited Commercial Zoning District

The applicants, Billy Ni and David Boge were present. The subject property is located on the southeast corner of Riverside Boulevard and North Main Street. The neighborhood is a mixture of residential and commercial uses. Mr. Boge stated he is looking to get approval for the sale of liquor by the drink for Stockyard located at 908 West Riverside Blvd. Mr. Boge stated once they get to phase 5 of the pandemic, they are going to work with schools and visiting sports teams to attract more families and to partner up with Cliffbreakers on banquets. Stockyard's business model is to attract customers with affordable priced food for adults and children. They will be offering an indoor arcade as well for the kids. They are in full in agreement with the conditions of approval.

Staff Recommendation is for Approval with fifteen (15) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a bar and grill and video gaming terminals in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised interior floor plan that includes seating, tables, and gaming machines for Staff review and approval.
4. The sale of liquor by the drink shall be limited to the revised interior floor plan approved by Staff.
5. The hours of operation will be limited to 8:00 A.M. to 2:00 A.M Monday through Sunday.
6. Window display signage is limited to 20% of window area.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. The bar and grill shall not have a cover charge, except for events with live entertainment.
9. The bar and grill shall not have a dance floor.
10. The bar and grill shall not have any DJs.
11. The bar and grill shall not operate as a nightclub.
12. The bar and grill shall have no more than six (6) video gaming terminals.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license
15. All conditions must be met prior to establishment of use

20-LTAB-097

Applicant
Ward 11

818 South 6th Street

Rashid Mehmood / Mega Mart LLC dba Mega Mart LLC

The sale of tobacco products in conjunction with a gas station and convenience store, **the sale of packaged liquor** in conjunction with a gas station and convenience store and **the sale of liquor by the drink** with video gaming terminals in an I-1, Light Industrial Zoning District

The applicant, Rashid Mehmood, was present along with his attorney, Mark Middendorff. The subject property is located on the northeast corner of 6th Street and 8th Avenue. The neighborhood is a mixture of residential and commercial uses. Attorney Middendorff stated the property located at 818 South 6th Street is a gas station and convenience store that currently has a license for the sale of packaged liquor and tobacco products. Mr. Mehmood is under contract to purchase this property and is requesting the issuance of new licenses to him. The character of the business will stay the same. In addition, he stated they are requesting the sale of liquor by the drink with video gaming terminals but, in reading the recommendation, he understands that is not possible due to the nature of the location.

Attorney Lafakeria Vaughn inquired whether the applicant reviewed the staff recommendation and agreed with the conditions. Attorney Mark Middendorff stated he reviewed it with his client and they agreed.

Staff Recommendation is for Approval with eighteen (18) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store, **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store and **DENY** for the sale of liquor by the drink with video gaming terminals in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco codes.
3. Window display signage is limited to 20% of window area.

4. Liquor sales hours should be limited to comply with the liquor code.
5. The windows shall not be covered with bars or other devices that block the windows.
6. Submittal of a revised interior floor plan showing the location for alcohol and tobacco sales.
7. The sale of packaged liquor and tobacco products shall be limited to the submitted revised interior floor plan.
8. There shall be no single serving sales of beer or wine in volumes of 16 oz. or less.
9. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
10. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
11. Removal of the non-conforming free-standing sign and submittal of a sign permit for new landmark style sign.
12. The building façade must be painted to be consistent throughout including the canopy.
13. Must add curbing to the existing landscape areas along 6th Street to replace the broken landscaping bricks.
14. Must remove abandoned pay phone stand.
15. The use and facility is prohibited from having video gaming terminals.
16. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
17. All outstanding general ordinances fines must be paid prior to issuance of the license.
18. All conditions must be met prior to the establishment of the use.

With no further business to come before the Board, the meeting was adjourned at 8:06 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals